



2157

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8
I hereby certify that this correspondence is being deposited in the United States Postal Service
with sufficient postage as first class mail in an envelope addressed to
Commissioner of Patents, Washington, DC 20231, on April 10, 2002.

Amy Jonsson
Amy Jonsson
Signature Date: April 10, 2002

Attorney Docket No.: RXSD 1001-3

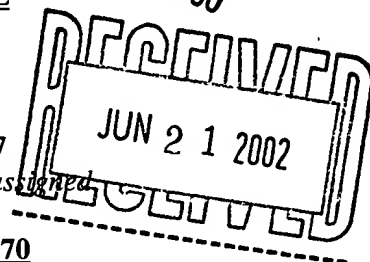
RECEIVED
APR 18 2002
#10 Technology Center 2100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application
Inventor(s): VINCENT PLUVINAGE et al.
Appl. No.: 09/830,488
Confirm. No.: 8079
Filed: 26 April 2001
Title: System and Method for Producing and Storing
Hearing Profiles and Customized Audio Data Based
on Such Hearing Profiles

Art Unit: 2227
Examiner: Unassigned

Customer No. 22470



INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner of Patents
Washington, DC 20231

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- ✓ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ✓ A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not submitted of documents previously submitted by the applicant in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d)(1), with an information disclosure statement submitted in the parent application which complies with the Sept. 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance

is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

— **PTA Statement under 37 C.F.R. §704(d).** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

This statement should be considered because:

X **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

— **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL office action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

-- AND (check at least one of the following) --

- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).
-- OR --
— (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

— **37 C.F.R. §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is being filed on or before payment of the issue fee;
-- AND --
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
-- AND --
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

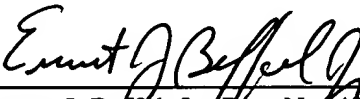
Application No. 09/830,488

☒ **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869. A duplicate copy of this authorization is enclosed.

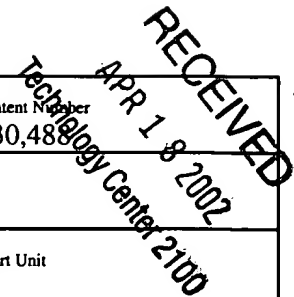
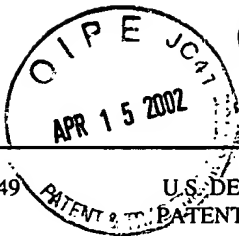
Respectfully submitted,

HAYNES BEFFEL & WOLFELD LLP

Date: 10 April 2002

By: 
Ernest J. Beffel, Jr., Reg. No. 48,489

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
Telephone: 650-712-0340
Facsimile: 650-712-0263



Form PTO-1449 (Substitute)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Attorney Docket Number RXSD 1001-3	Serial/Patent Number 09/830,488
		Applicant/Patent Owner PLUVINAGE et al.	
		Filing/Issue Date 26 April 2001	Group Art Unit 2227

INFORMATION DISCLOSURE STATEMENT
BY APPLICANT
(Use several sheets if necessary)

U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
		5,086,464	02/04/92	Groppe	379	430	03/05/90
		5,907,823	05/25/99	Sjoberg et al.	704	225	09/11/96
		5,406,635	04/11/95	Jarvinen	381	94	02/05/93
		6,078,675	06/20/00	Bowen-Nielsen et al.	381	331	04/29/96
		5,854,978	12/29/98	Heidari	455	418	04/16/96
		5,615,270	03/25/97	Miller et al.	381	57	06/06/95
		5,717,767	02/10/98	Inanaga et al.	381	25	11/08/94
		5,930,758	07/27/99	Nishiguchi et al.	704	500	07/02/97
		5,923,764	07/13/99	Shennib	381	60	12/18/96
		5,910,990	06/08/99	Jang	381	1	06/13/97
		5,896,449	04/20/99	Oshidari et al.	379	347	09/25/96
		5,867,457	02/02/99	Parvulescu et al.	369	33	04/14/97
		5,802,164	09/01/98	Clancy et al.	379	347	12/22/95
		5,521,919	05/28/96	Anderson et al.	370	68	11/04/94
		5,737,719	04/07/98	Terry	704	224	12/19/95
		5,195,132	03/16/93	Bowker et al.	379	410	12/03/90
		5,146,501	09/08/92	Spector	381	25	03/11/91
		3,962,543	06/08/76	Blauert et al.	179	1	05/15/74
		5,333,195	07/26/94	Bowker et al.	379	410	02/04/93
		5,485,515	01/16/96	Allen et al.	379	391	12/29/93
		5,524,148	06/04/96	Allen et al.	379	391	05/18/95
		5,592,545	01/07/97	Ho et al.	379	347	06/07/95
		5,943,413	08/24/99	Ash et al.	379	220	06/09/97
		4,879,749	11/07/89	Levitt et al.	381	68.4	02/12/88



RECEIVED
APR 18 2002

U.S. PATENTS Technology Center 2100						
Examiner Initial	Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	5,848,171	12/08/98	Stockham, Jr. et al.	381	321	01/16/96
	5,811,681	09/22/98	Braun et al.	73	585	04/29/96
	5,539,806	07/23/96	Allen et al.	379	52	09/23/94
	5,737,389	04/07/98	Allen	379	1	12/18/95
	6,055,502	04/25/00	Kitamura	704	500	09/27/97

FOREIGN PATENT DOCUMENTS							
Examiner Initial	Document Number	Publication Date	Country	Class	Subclass	Trans- lation Yes No	
	WO 98/51124	11/12/98	WO - PCT			YES	
	WO 95/06996	03/09/95	WO - PCT			YES	
	AU-B-52098/96	01/16/97	Australia			YES	
	2000236280A	08/29/00	Japan			Abstract only	

OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)	
	Wireless Short Message Service (SMS) TeleCommunication Systems Web ProForum Tutorials pp. 1-18
	Sony Online World - Memory Stick, The Concept, http://www.world.sony.com/Electronics/MS/concept/exp2.html 10/11/99, pp. 1-3

Examiner	Date Considered
<p>*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
<p>*1 = Copy not submitted because it was submitted in prior application SN <u> </u> / <u> </u>, filed <u> </u>, 20<u> </u>, relied on under 35 USC §120.</p>	
<p>*2 = Copy not submitted because it was submitted in prior application SN <u> </u> / <u> </u>, filed <u> </u>, 20<u> </u>, relied on under 35 USC §120.</p>	